EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-0342-AIR-E **TCEQ ID**: RN100223783 **CASE NO.**: 35454

RESPONDENT NAME: Enbridge Pipelines (NE Texas) L.P.

ORDER TYPE:									
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING							
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER							
AMENDED ORDER	EMERGENCY ORDER								
CASE TYPE:									
XAIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE							
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION							
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL							
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION							
TYPE OF OPERATION: Natural gas process SMALL BUSINESS: Yes X To OTHER SIGNIFICANT MATTERS: Therefacility location. INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Region CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator Bryan Sinclair, Enforcement Division Respondent: Mr. David Billinger, Longview, Texas 75604 Mr. Kerry Puckett, VP Engineering Longview, Texas 75604	e are no complaints. There is no record of additional on the ED and the Respondent has expressed an intersister comment period expired on August 4, 2008. Note: None:	rest in this matter. o comments were received. orcement Team 3, R-04, (817) 588-5890; Mr. , 2020 Bill Owens Parkway, Suite 100,							

DOCKET NO.: 2008-0342-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION

Type of Investigation:

- __ Complaint
- X Routine
- ___ Enforcement Follow-up
- ___ Records Review

Date(s) of Complaints Relating to this

Case: None

Date of Investigation Relating to this Case: November 28, 2007

Date of NOV/NOE Relating to this Case: February 21, 2008 (NOE)

Background Facts: This was a routine investigation.

AIR

- 1) Failure to maintain an emission rate below the maximum allowable emission limit for the tail gas thermal oxidizer ("TGTO") [emission point number ("EPN THERMOX")]. Specifically, the sulfur dioxide ("SO₂") limit of 37.58 pounds per hour ("lbs/hr") was exceeded as follows: 15 times during the month of January 2007, 6 times during the month of February 2007, 4 times during the month of March 2007, 2 times during the month of April 2007, 6 times during the month of May 2007, and 17 times during the month of June 2007. The SO₂ exceedances for these time periods varied from 37.63 to 144.67 lbs/hr [30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 1, General Operating Permit ("GOP") No. 514, Federal Operating Permit ("FOP") No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 2) Failure to maintain the TGTO oxygen ("O₂") content at no less than 3%. Specifically, O₂ content was below 3% as follows: 9 times during the month of January 2007, 248 times during the month of February 2007, 177 times during the month of March 2007, 9 times during the month of April 2007, and 1 time during the month of June 2007. The O₂ exceedances for these time periods varied from 0.35 to

PENALTY CONSIDERATIONS

Total Assessed: \$12,954

Total Deferred: \$2,590

X Expedited Settlement

Financial Inability to Pay

SEP Conditional Offset: \$0

Total Paid to General Revenue: \$10,364

Site Compliance History Classification

X High ___ Average ___ Poor

Person Compliance History Classification High X Average ___ Poor

Major Source: X Yes ___ No

Applicable Penalty Policy: September 2002

CORRECTIVE ACTIONS TAKEN/REQUIRED

Ordering Provisions:

The Order will require the Respondent to:

- a. Immediately after the effective date of this Agreed Order, submit a revised semiannual deviation report for the period covering January 1, 2007 to June 30, 2007 to include all instances of deviations, in accordance with 30 Tex. Admin. Code § 122.145;
- b. Within 30 days after the effective date of this Agreed Order, implement procedures to maintain the TGTO O₂ content at no less than 3%, the TGTO firebox chamber temperature at a minimum of 1,000 degrees Fahrenheit and begin maintaining all required records, in accordance with Permit No. 8986, Special Condition Nos. 9 and 13D;
- c. Within 45 days after the effective date of this Agreed Order, develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of emission exceedances of SO₂ from the TGTO that occurred on January 1, 2007 to June 30, 2007; and
- d. Within 60 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through c.

2.44% content [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and Tex. Health & Safety Code § 382.085(b)]. 3) Failure to maintain the TGTO firebox chamber temperature at a minimum of 1,000 degrees Fahrenheit. Specifically, temperature was below 1,000 degrees Fahrenheit as follows: 5 times during the month of January 2007 and 3 times during the month of March 2007. The temperature exceedances for these time periods varied from 619.66 to 935.42 degrees Fahrenheit [30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failure to properly maintain records for a period of two years and make them readily available upon request. Specifically, records were missing for March 6-15, 2007, May 19, 2007, and June 23-24, 2007 [30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 13D, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and Tex. Health & Safety Code § 382.085(b)]. 5) Failure to report all instances of deviations. Specifically, failure to report on the semiannual deviation report for the period covering January 1, 2007 to June 30, 2007 the SO_2 , and O_2 temperature exceedances and the failure to properly maintain daily operating records [30 Tex. ADMIN. CODE § 122.145(2)(A), GOP No. 514, FOP No. O-00875, Special Requirement No. (b)(2), and TEX. HEALTH

Additional ID No(s).: AIR CS0005V

& SAFETY CODE § 382.085(b)].

Policy Revision 2 (Sep	Penalty Calculation Worksheet (Penalty Calculation Worksheet (CW) PCW Revision January 29, 2008
TCEQ		
DATES Assigned PCW		
RESPONDENT/FACILITY	INFORMATION	
Respondent	Enbridge Pipelines (NE Texas) L.P.	
Reg. Ent. Ref. No.		
Facility/Site Region	5-Tyler Major/Minor Source	Major J
CASE INFORMATION		
Enf./Case ID No.	35454 No. of Violations	5
	2008-0342-AIR-E Order Type	······································
Media Program(s)		
Multi-Media		Enforcement Team 3
Admin. Penalty \$ I	Limit Minimum \$0 Maximum \$10,000) The contract can a commence we are a commence of the contract of the contrac
	Develte Colordation Continu	
	Penalty Calculation Section	
TOTAL BASE PENAL	TY (Sum of violation base penalties)	Subtotal 1 \$12,700
45 "IOTHENITO (. / .	TO OURTOTAL 4	i pre e carre
ADJUSTMENTS (+/-)	IO SUBICIAL 1 ned by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	anna.p.
Compliance Histo		otals 2, 3, & 7 \$254
oomphanoo mot		, , , , , ,
N-4	The Respondent was issued one NOV with the same/similar type of	, encluser.
Notes	violations, and submitted one Notice of Intent and one Disclosure of Violations.	·
	violations.	MATTER
Culpability	No 0% Enhancement	Subtotal 4 \$0
Culpability	140 0 /6 Emancement	Subtotal 4
Notes	The Respondent does not meet the culpability criteria.	ST THE RESERVE OF THE
		Party
Good Faith Effor	t to Comply 0% Reduction	Subtotal 5 \$0
	Before NOV NOV to EDPRP/Settlement Offer	- Property Company
Extraordinary		Province of the Control of the Contr
Ordinary		· · · · · · · · · · · · · · · · · · ·
N/A	X (mark with x)	Alexanders of
Notes	The Respondent does not meet the good faith criteria.	The state of the s
		TO COMPANY
	0% Enhancement*	Subtotal 6 \$0
	Total EB Amounts \$884 *Capped at the Total EB \$ Amount	
Approx.	Cost of Compliance \$9,700	The Company
SUM OF SUBTOTAL	S 1-7	inal Subtotal \$12,954
Com or Cobrotile		
OTHER FACTORS AS	S JUSTICE MAY REQUIRE 0%	Adjustment \$0
Reduces or enhances the Final S	ubtotal by the indicated percentage.	
		V. A. dec
Notes		
	Final Par	nalty Amount \$12,954
	rinai Fer	ianty Amount \$12,934
STATUTORY LIMIT A	AD ILISTMENT Final Asso	ssed Penalty \$12,954
STATUTORY ENVIT P	Fillal Asse	5555 Citally
DEFERRAL	20% Reduction	Adjustment -\$2,590
	alty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	
:		[
Notes	Deferral offered for expedited settlement.	1
DAVADI E DENALTV		\$10 364

Screening Date 26-Feb-2008

Docket No. 2008-0342-AIR-E

PCW

Respondent Enbridge Pipelines (NE Texas) L.P.

Case ID No. 35454

Reg. Ent. Reference No. RN100223783

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.,

Policy Revision 2 (September 2002)
PCW Revision January 29, 2008

Compliance History Worksheet

>> Co	mpliance l	History Site	Enhancement	(Subtotal 2)
-------	------------	--------------	-------------	--------------

Component	Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without of liability, or default orders of this state or the federal government, or any final proemergency orders issued by the commission	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitor emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liabilit of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texa Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number caudits for which notices were submitted)		-1%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privileg Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	e 1	-2%

	Pieas	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Outer	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes The Respondent was issued one NOV with the same/similar type of violations, and submitted one Notice of Intent and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

2%

Scre	ening Date	26-Feb-2008	An and the second Million (Accordance to the con-	Do	ocket No	. 2008-034	2-AIR-E	annien en en erere antiden in verdanden de de	PCW
	•	Enbridge Pipeline	es (NE Texas	s) L.P.				Policy Re	vision 2 (September 2002)
	Case ID No.							PCW	Revision January 29, 2008
Reg. Ent. Ref									100
	ia [Statute]		_						
	oordinator ation Number	Jorge Ibarra, P.E	,						
Viola	Rule Cite(s)		nin. Code §§ General Ope	erating Perm	it ("GOP") I	No. 514, Fe	deral Opera	ating Permit	and the second s
Violation	n Description	Failed to maintai	in an emission mal oxidizer (" ne sulfur dioxi ollows: 15 time ary 2007, 4 ti 2007, 6 times	& Safety Coon rate below 'TGTO") [em de ("SO2") li es during the mes during the during the coordinate of during the rooz exceedan	the maximulission point of 37.5 month of Minush of Minus	35(b) um allowab t number (" 8 pounds pounds pounds January 20 of March 20 ay 2007, ar	le emission EPN THER er hour ("lbs 07, 6 times 107, 2 times ad 17 times	limit for the MOX")]. s/hr") was during the during the during the	
							Ва	se Penalty[\$10,000
>> Environmental	, Property a	Control Contro	ealth Matrix Harm Moderate	(Minor		, 48,28,31,53,00 1,5,00	Spalation (1) Status III (1)	- b	
OR	Actual Potential			X		Percent	25%		
>>Programmatic I	//atriv								
->riogrammatic i	Falsification	Major M	/loderate	Minor	10000	100		•	
				1		Percent	0%	7	
1							<u> </u>	<u></u>	
Matrix Notes		h or the environm levels that are pro							
		s pariet streaments as			Difference (1975)	Adjustmen		\$7,500	
	Chingwalass				Signal Sub-	Scarce Landscape (1964) 18 oktob	7 <u> </u>		00.500
								L	\$2,500
Violation Events					Plante.		960 300		
	Number of Vic	lation Events	2		180	Number o	f violation d	ays	Account of the American
	mark only one with an x	daily monthly quarterly semiannual annual single event	X			٧	/iolation Ba	se Penalty[\$5,000
	Two quarterly	events are recon	mmended bas d of January				ich occurred	d during the	
Economic Benefit	(EB) for thi	s violation	1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1			Statuto	ry Limit T	est	
	Estimated	i EB Amount		\$468		Violati	on Final Pe	enalty Total	\$5,100
			This	violation F	inal Assoc	sed Penals	ty (adiuetor	l for limite\	\$5,100
ra (), versional (settle etc. Ast	eartaingteach		IIIIS	VIOIALIUII F	mai Asses	Seu reliali	iy (aujusiel	4 (O) IIIIII(3)[ψ5, 100

aurice a nama comercina a director, un el servicio delle di collecto. Anno ellentrolocci dell'estre concendiate de	E	conomic	Benefit W	orks	sheet	The second of th	
Respondent	Enbridge Pipelir	nes (NE Texas) L.f	⊃.				
Case ID No.	35454						
Reg. Ent. Reference No.	RN100223783						
Media						Percent Interest	Years of
Violation No.	1					reicent interest	Depreciation
Violation No.	•					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
J. T. B. Server G. G. W.		Date Nequired	i iliai Date	113	Interest Cavea	Olicianic Gosts	LD / Illiount
Item Description	No commas or \$	Maria de la companya della companya					
Delayed Costs			eng ger Samanan				
Equipment		1 1 1 1 1 1 1 1		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	<i>3</i> 7			0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		1848 - 1848 - 1874 - 1874 - 1874 - 1874 - 1874 - 1874 - 1874 - 1874 - 1874 - 1874 - 1874 - 1874 - 1874 - 1874		0.0	\$0	n/a	\$0
Training/Sampling		La de la compansión de la		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	2-Jan-2007	15-Nov-2008	1.9	\$468	n/a	\$468
Notes for DELAYED costs	to prevent the r	eoccurrence of em	nission exceedanc Final Date is the	es. Date expecte	Required is the deduction of the detection of the compliance date	ations, and/or mainte ate of the first emiss e. one-time avoided o	ion exceedance
Avoided Costs	ANIX	ICALIZE [1] avoid	leu costs perore	7 0.0	\$0	\$0	\$0
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/equipment	777777			0.0	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	-			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$5,000			TOTAL	-	\$46

Sc	reening Date	26-Feb-2008	en vermonet konstruing var ette verdydretteren trochen der ette konstruit i kan et konstruit i konstru	Docket I	No. 2008-034	2-AIR-E	is to the second of the second of the second	PCW
	-	-	elines (NE Texas) L.P.				Policy Re	vision 2 (September 2002)
	Case ID No.						PCW I	Revision January 29, 2008
_	eference No.		3					
	dia [Statute]							
	Coordinator		P.E., 1					
Vic	olation Number							
Violati	Rule Cite(s)	No. 9, GOP I Failed to mai content was during the multiple of	in. Code §§ 116.115(c) a No. 514, FOP No. O-008 and Tex. Health intain the TGTO oxygen below 3% as follows: 9 to onth of February 2007, a month of April 2007, an edances for these time	375, Special R n & Safety Coo ("O2") conten times during the 177 times during d 1 time during	Requirement N de § 382.085(i at at no less the ne month of Ja ing the month g the month of	os. (b)(2) and (b) an 3%. Specification 2007, 2 of March 2007. T	cally, O2 48 times , 9 times he O2	
						Base	Penalty	\$10,000
EnvironmentaOR>Programmatic	Release Actual Potential	nd Human Major	Health Matrix Harm Moderate Minor X		Percent	25%		
~Programmand	Falsification	Major	Moderate Minor					•
					Percent	0%		
an militar light						<u></u>		
Matrix Notes			onment has been expos protective of human he viola	alth or enviror				
					Adjustmen	4	\$7,500	
				THE SAME SAME	Aujustinen	<u> </u>	\$7,500	
								\$2,500
iolation Events						anda kata kata 1759	7500 1042	
		AND SECTION SECTIONS					e de Constitution de Colonia.	
	Number of Vio	lation Events	2	180	Number o	f violation day	\$	
	mark only one with an x	daily monthly quarterly	x		,	/iolation Base	Penalty	\$5,000
		semiannual annual single event						•
a o gay'r Janking Defnidentiae eilia e		pe	ecommended based on the period of January 1, 2007		30, 2007.			atek pilikanag kili jegin junga per 110 kili secen
conomic Benef	it (EB) for thi	s violation			Statuto	ry Limit T es	t	
	Estimated	EB Amount[\$	181	Violati	on Final Pena	Ity Total	\$5,100
			This violat	tion Final Acc	sassad Danal	ty (adjusted fo	r limite)	\$5,100
and the following space	EREASTU PERSE			mai As	Joggod F Gilai	., laajastea K	ta)_	ψ0,100

Managarana (1956 - Karanina na 1965) - 1990	E	conomic	Benefit W	orks	heet		
Case ID No.	35454	nes (NE Texas) L.f	₽.				
Reg. Ent. Reference No. Media Violation No.	Air					Percent Interest	Years of Depreciation
Violation No.	2					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$ "	asteriological del					
Delayed Costs	5 2545	al securit	and the second second	 			
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0 \$0
Other (as needed)				0.0	\$0	\$0	
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0 \$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling			. 100 2 111 11 11	0.0	\$0	n/a	\$0
Remediation/Disposal	1 1 10 1		196,247	0.0	\$0	n/a	\$0 \$0
Permit Costs	\$2,000	9-Jan-2007	1-Nov-2008	0.0	\$0 \$181	n/a n/a	\$0 \$181
Notes for DELAYED costs	Estimated cost to maintain the	TGTO O2 conten	it and the firebox of	chamber	rove design, operatemperature as re e is the expected	tions, and/or mainte quired. Date Requir compliance date.	enance practices ed is the date of
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before	entering	item (except for	one-time avoided	costs)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			1	0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs				·			
Approx. Cost of Compliance		\$2,000			TOTAL		\$181

A	Screening Date	26-Feb-2008	Do	cket No. 2008-0342-AIR-E		PCW
	Respondent	Enbridge Pipelines (NE	Texas) L.P.		Policy Re	vision 2 (September 2002)
	Case ID No.	35454			PCW	Revision January 29, 2008
Reg. E	nt. Reference No.	RN100223783				
	Media [Statute]					k :
	Enf. Coordinator	Jorge Ibarra, P.E.,				
	Violation Number	<u> </u>				
,	Rule Cite(s) /iolation Description	No. 9, GOP No. 514, F all Failed to maintain the degrees Fahrenheit. S	OP No. O-00875, Spind Tex. Health & Safe e TGTO firebox char pecifically, temperatu	.143(4), Permit No. 8986, Secial Requirement Nos. (b)(2ety Code § 382.085(b) mber temperature at a minimare was below 1,000 degrees ary 2007 and 3 times during	2) and (b)(7)(B), num of 1,000 s Fahrenheit as	
	·			s for these time periods vari		
					Base Penalty	\$10,000
OR	Release Actual Potential matic Matrix	nd Human Health N Harm Major Moderat	e Minor	Percent	25%	
	Falsification Human heal	Major Moderat		Percent significant amounts of pollu	0%	The second secon
90000000000000000000000000000000000000				environmental receptors as		
				Adjustment	\$7,500	industrial illinoises.
					THE PARTY OF THE P	\$2,500
/iolation Ev	vents					
	Number of Vio	lation Events 1		89 Number of violati	on days	TO MATERIAL PROPERTY OF THE PARTY OF THE PAR
	mark only one with an x	daily monthly quarterly x semiannual annual single event		Violatio	n Base Penalty [\$2,500
	One quarte		d based on the perm nuary 1,2007 through	it exceedances which occur n March 31, 2007.	red during the	
Conomic E	Benefit (EB) for thi	s violation		Statutory Lim	it Test	
	Estimated	I EB Amount	\$184	Violation Fina	ıl Penalty Total	\$2,550
						60 EE0
			inis violation Fir	nal Assessed Penalty (adju	stea for limits)[\$2,550

gggregore en la cara y la la la Maria en la la la la caractería de Medica de Colonia de	E	conomic l	Benefit W	orks	heet		
Respondent	Enbridge Pipeli	ines (NE Texas) L.F	₽.				
Case ID No.	35454						
Reg. Ent. Reference No.	RN100223783						
Media	Air					Percent Interest	Years of Depreciation
Violation No.	, 3						•
					. **	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		na kalaga				
nom poempher							
Delayed Costs							
Equipment		1		0.0	\$0	\$0	\$0
Buildings		3.47		0.0	\$0	\$0	\$0
Other (as needed)			i	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0.
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Jan-2007	1-Nov-2008	1.8	\$184	n/a	\$184
Notes for DELAYED costs	to maintain th	e TGTO O2 conten the first emiss	t and the firebox of ion exceedance, I	hamber Final Dat	temperature as re e is the expected		ed is the date of
Avoided Costs	ANI	NUALIZE [1] avoid	ea costs before			one-time avoided	\$0
Disposal				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	<u></u>			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)		L	<u> </u>	J 0.0	ΙΦυ	φν	ι ψυ
Notes for AVOIDED costs	·					·	
Approx. Cost of Compliance		\$2,000			TOTAL		\$184

Screening Date		Docket No. 2008-0342-AIR-E	PCW
•	Enbridge Pipelines (NE Texas) L.P.	Policy Re	evision 2 (September 2002)
Case ID No.		PCW	Revision January 29, 2008
Reg. Ent. Reference No.			
Media [Statute] Enf. Coordinator			
Violation Number			
Rule Cite(s)	20 Toy Admin Code SS 116 115(c) or	ad 122 142/4) Pormit No. 2026 Special Condition	
·	No. 13D, GOP No. 514, FOP No. C	nd 122.143(4), Permit No. 8986, Special Condition D-00875, Special Requirement Nos. (b)(2) and ealth & Safety Code § 382.085(b)	
Violation Description	available upon request. Specifically, th	for a period of two years and make them readily e operating records were missing for March 6-15, 007, and June 23-24, 2007.	
		Base Penalty	\$10,000
>> Environmental, Property a	and Human Health Matrix		***************************************
	Harm		**************************************
Release OR Actual	Major Moderate Minor		***************************************
Potential		Percent 0%	at a harring
A CONTRACTOR OF THE PROPERTY O	Later the second section of the section of th		
>>Programmatic Matrix			
Falsification	Major Moderate Minor x	Percent 1%	5
Matrix Notes	Less than 30% of the rule re	equirement was not met.	
ikk milikk: Kanna Kanasa k		Adjustment \$9,900	,
	alest marina navastatiatas mare esperator esperator esperator esperator esperator esperator esperator esperator	de Santa de La Caractería	
		Ļ	\$100
Violation Events			
Number of Vio	plation Events 1	110 Number of violation days	
		[
	daily		
mark only one	monthly quarterly	Violation Base Penalty	\$100
with an x	semiannual		
	annual		
	single event x		
	One single event is	recommended.	
Economic Benefit (EB) for th	is violation	Statutory Limit Test	
ranni ya ili da meta makasi ya indi kesari ili kasaran esari hi tababat da Li eta da babi da bababa da bababa da kasaran ya sari	AS A STANK AND A CASE OF THE PROPERTY OF THE STANK AND A STANK AND A TOTAL AND A STANK AND	\$	\$102
Estimated	d EB Amount \$3	Violation Final Penalty Total	
	This violation	on Final Assessed Penalty (adjusted for limits) $igl[$	\$102

THE STATE OF THE S	E	conomic E	3enefit W	orks	heet	en e	Holeson Company of the Company
Case ID No.	35454	neş (NE Texas) L.F) .				
Reg. Ent. Reference No. Media Violation No.	Air					Percent Interest	Years of Depreciation
Violation No.	7				:	5.0	15
			P' - 1 P - 4 -	V	Interest Saved	Onetime Costs	EB Amount
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs	ing a said and a said in the said in t	ing a second					
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction			17 1. 21	0.0	\$0	\$0	\$0
Land		Maria de Capari	e grant	0.0	\$0	n/a	\$0
Record Keeping System	\$500	6-Mar-2007	1-Oct-2008	1.6	\$39	n/a	\$39
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs		date of non	-compliance, Fina	al Date is	the expected con		
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before			one-time avoided o	
Disposal			1	0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			` \	0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)		<u> </u>		0,0	\$0	\$0	\$0
Notes for AVOIDED costs						the second of th	
Approx. Cost of Compliance		\$500			TOTAL		\$39

Screenin	ng Date 26-Feb-2008	a sur con alle ce digentio ferrollè e complement e di discone per complement constitut	Docket No. 2008-034	2-AIR-E	PCW
Resp	ondent Enbridge Pipel	ines (NE Texas) L.P.		Polic	cy Revision 2 (September 2002)
Case	ID No. 35454		,	F	PCW Revision January 29, 2008
Reg. Ent. Referer	nce No. RN100223783				
	Statute] Air				Transfer
	dinator Jorge Ibarra, F	.E.,			
Violation		·			
Rul		min. Code § 122.145(2)(A uirement No. (b)(2), and Te			
Violation Des	semiannual o	report all instances of dev leviation report for the per l O2 temperature exceeda opera	od covering January 1, 2	2007 to June 30, 200	
				Base Pena	\$10,000
>> Environmental, Pro	perty and Human F	lealth Matrix			THE PROPERTY OF THE PROPERTY O
	THE WAY IN LIFE IT SOMETHING TO THE MANAGEMENT OF THE CO.	Harm	MANDARUMENDA STALIBART STALL STALL	L.F. D.S. ITERCLI	
10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Release Major	Moderate Minor	ត		METHOD AT ALL PROPERTY AND ALL PROPERTY
OR⊎	Actual		Davaset	00/	
	Potential		Percent	0%	
>>Programmatic Matr	ix				
und gerring and the contract property in the contract property and the contract contract contract and the contract contr	sification Major	Moderate Minor	MPRES PS DE ANTENNAS.		
3. 3. (a. 6.)		x	Percent	1%	
. <u></u>					
Matrix Notes	Les	s than 30% of the rule req	uirement was not met.		
Service Appropriate Commence			Adjustmen	t \$9.9	900
		and the same of the beautiful to	nojestinen	Ψ0,0	· · · · · · · · · · · · · · · · · · ·
					\$100
/iolation Events					
Numl	ber of Violation Events	1	212 Number o	of violation days	
	•Number of outside and outside of				
	daily			•	
	monthly		,	√iolation Base Pena	sity \$100
	k only one quarterly ith an x semiannual		`	Violation base Pena	Ψ100
	annual				
	single event	x			
		One single event is re	ecommended.		
Economic Benefit (EB	s) for this violation		Statuto	ry Limit Test	
. E	estimated EB Amount	\$12] Violati	ion Final Penalty To	otal \$102
	_		-		
to all form forther state in advantacionisti		This violation	n Final Assessed Penal	ty (adjusted for limi	its) \$102

Economic Benefit Worksheet Respondent Enbridge Pipelines (NE Texas) L.P. Case ID No. 35454 Reg. Ent. Reference No. RN100223783 Years of Media Air Percent Interest Depreciation Violation No. 5 5.0 Interest Saved **Onetime Costs** Final Date Yrs Item Cost Date Required Item Description No commas or \$ **Delayed Costs** 0.0 \$0 Equipment 0.0 \$0 \$0 Buildings \$0 \$0 \$0 Other (as needed) \$0 \$0 \$0 Engineering/construction 0.0 \$0 0.0 \$0 n/a \$0 \$0 Record Keeping System 0.0 \$0 n/a 0.0 \$0 n/a Training/Sampling 0.0 \$0 n/a \$0 Remediation/Disposal 0.0 n/a \$0 Permit Costs 29-Jul-2007 \$200 n/a Other (as needed) Estimated cost to properly report all instances of deviations. Date Required is the first date of non-compliance, Notes for DELAYED costs Final Date is the expected compliance date. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.0 \$0 \$0 \$0 \$0 \$0 Personnel 0.0 \$0 \$0 \$0 \$0 \$0 0.0 \$0 Inspection/Reporting/Sampling 0.0 Supplies/equipment 0.0 \$0 Financial Assurance [2] 0.0 ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs

\$200

Approx. Cost of Compliance

TOTAL

\$12

Compliance History

Customer/Respondent/Owner-Operator: CN601521925 Enbridge Pipelines (NE Texas) L.P. Classification: AVERAGE Rating: 2.74 RN100223783 Regulated Entity: PITTSBURG GAS PLANT Classification: HIGH Site Rating: 0.00 ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER CE0005V AIR OPERATING PERMITS PERMIT 875 AIR OPERATING PERMITS **PERMIT** 2961 AIR NEW SOURCE PERMITS REGISTRATION 71046 AIR NEW SOURCE PERMITS ACCOUNT NUMBER CE0005V AIR NEW SOURCE PERMITS AFS NUM 4806300002 AIR NEW SOURCE PERMITS PERMIT 8986 1088 COUNTY ROAD 1140 IN CAMP COUNTY, TX, Location: Rating Date: September 01 07 Repeat Violator 75686 **REGION 05 - TYLER** TCEQ Region: Date Compliance History Prepared: March 07, 2008 Agency Decision Requiring Compliance History: Enforcement Compliance Period: March 07, 2003 to March 07, 2008 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Jorge Ibarra, P.E. Phone: (817) 588-5890 Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A В. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 08/05/2003 (147671)2 07/08/2004 (274497)3 10/15/2004 (451234)4 02/02/2005 (349534)5 02/28/2005 (372505)6 03/17/2005 (373788)7 03/24/2005 (375323)8 07/05/2005 (397519)9 07/28/2005 (402006)10 08/29/2005 (418524)11 11/18/2005 (434945)12 12/01/2005

(435480)

(449940)

(458818)

(460880)

(460834)

(460649)

(463135)

13 01/25/2006

14 03/13/2006

15 03/30/2006

16 04/03/2006

17 04/03/2006

18 05/01/2006

19	09/20/2006	(512074)
20	11/29/2006	(531354)
21	11/29/2006	(531309)
22	02/28/2007	(542096)
23	03/15/2007	(543485)
24	03/27/2007	(554010)
25	04/09/2007	(554899)
26	11/06/2007	(599364)
27	01/23/2008	(614698)
28	02/21/2008	(599358)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 07/09/2004

(274497)

Self Report?

Citation:

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter A 382.054 5C THC Chapter 382, SubChapter A 382.085(b)

Description:

Failed to report all instances of deviations for each emissions unit addressed in Federal Operating Permit O-00875 as required by 30 Tex. Admin. Code § 122.145(2)(A)/ Tex. Health & Safety Code § 382.054 and Tex. Health & Safety

Classificatio

Minor

Code § 382.085(b).

Environmental audits.

Notice of Intent Date:

08/25/03

(262301)

Disclosure Date:

12/23/2003

Viol. Classification: Moderate

Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: failed to keep a daily flare operation log

Viol. Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter F 101.201

Description: failed to calculate and report nitrogen oxide and nitrogen dioxide emissions from previous emissions

events

Moderate Viol. Classification:

Citation:

30 TAC Chapter 106, SubChapter W 106.512(1)

Description: Failed to submit Form PI-7 for the Caterpillar G399 engine installed in November 2002.

Viol. Classification: Moderate

Citation:

30 TAC Chapter 106, SubChapter W 106.512(2)(C)(iii)

Description: Failed to perform an initial performance test for emissions of NO x and CO.

Viol. Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter F 101.223

Description: Has had difficulty meeting the sulfur reduction efficiencies specified in Air Quality Permit No. 8986.

Type of environmental management systems (EMSs). G.

N/A

Voluntary on-site compliance assessment dates. Η.

N/A

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY





IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
ENBRIDGE PIPELINES (NE TEXAS)	§	TEXAS COMMISSION ON
L.P.	§	
RN100223783	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0342-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enbridge Pipelines (NE Texas) L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a natural gas processing plant at 1088 County Road 1140 in Camp County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 26, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twelve Thousand Nine Hundred Fifty-Four Dollars (\$12,954) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Three Hundred Sixty-Four Dollars (\$10,364) of the administrative penalty and Two Thousand Five Hundred Ninety Dollars (\$2,590)

is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

- 1. Failed to maintain an emission rate below the maximum allowable emission limit for the tail gas thermal oxidizer ("TGTO") [emission point number ("EPN THERMOX")], in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 1, General Operating Permit ("GOP") No. 514, Federal Operating Permit ("FOP") No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 28, 2007. Specifically, the sulfur dioxide ("SO₂") limit of 37.58 pounds per hour ("Ibs/hr") was exceeded as follows: 15 times during the month of January 2007, 6 times during the month of February 2007, 4 times during the month of March 2007, 2 times during the month of April 2007, 6 times during the month of May 2007, and 17 times during the month of June 2007. The SO₂ exceedances for these time periods varied from 37.63 to 144.67 lbs/hr.
- 2. Failed to maintain the TGTO oxygen ("O₂") content at no less than 3%, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 28, 2007. Specifically, O₂ content was below 3% as follows: 9 times during the month of January 2007, 248 times during the month of February 2007, 177 times during the month of March 2007, 9 times during the month of April 2007, and 1 time during the month of June 2007. The O₂ exceedances for these time periods varied from 0.35 to 2.44% content.

• .

- 3. Failed to maintain the TGTO firebox chamber temperature at a minimum of 1,000 degrees Fahrenheit, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 28, 2007. Specifically, temperature was below 1,000 degrees Fahrenheit as follows: 5 times during the month of January 2007 and 3 times during the month of March 2007. The temperature exceedances for these time periods varied from 619.66 to 935.42 degrees Fahrenheit.
- 4. Failed to properly maintain records for a period of two years and make them readily available upon request, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 13D, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and Tex. Health & Safety Code § 382.085(b) as documented during an investigation conducted on November 28, 2007. Specifically, records were missing for March 6-15, 2007, May 19, 2007, and June 23-24, 2007.
- 5. Failed to report all instances of deviations, in violation of 30 Tex. ADMIN. CODE § 122.145(2)(A), GOP No. 514, FOP No. O-00875, Special Requirement No. (b)(2), and Tex. Health & Safety CODE § 382.085(b) as documented during an investigation conducted on November 28, 2007. Specifically, failure to report on the semiannual deviation report for the period covering January 1, 2007 to June 30, 2007 the SO₂, and O₂ temperature exceedances and the failure to properly maintain daily operating records.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enbridge Pipelines (NE Texas) L.P., Docket No. 2008-0342-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Immediately after the effective date of this Agreed Order, submit a revised semiannual deviation report for the period covering January 1, 2007 to June 30, 2007 to include all instances of deviations, in accordance with 30 Tex. ADMIN. CODE § 122.145;
- b. Within 30 days after the effective date of this Agreed Order, implement procedures to maintain the TGTO O₂ content at no less than 3%, the TGTO firebox chamber temperature at a minimum of 1,000 degrees Fahrenheit and begin maintaining all required records, in accordance with Permit No. 8986, Special Condition Nos. 9 and 13D;
- c. Within 45 days after the effective date of this Agreed Order, develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of emission exceedances of SO₂ from the TGTO that occurred on January 1, 2007 to June 30, 2007; and
- d. Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

Enbridge Pipelines (NE Texas) L.P. DOCKET NO. 2008-0342-AIR-E Page 5

- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Enbridge Pipelines (NE Texas) L.P. DOCKET NO. 2008-0342-AIR-E Page 6

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Syle Sal	hi	9)	14/2008
For the Executive Direct	tor	Date	
I, the undersigned, have attached Agreed Order and conditions specifie	e read and understand the attention on behalf of the entity indicates	ated below my signatur rledge that the TCEQ,	am authorized to agree to the e, and I do agree to the terms in accepting payment for the
 timely pay the penalty a A negative imp Greater scrutiny Referral of this penalties, and/o Increased penal Automatic refer TCEQ seeking 	amount, may result in: act on compliance history; of any permit applications s	ubmitted; al's Office for contemption agency; at actions; Office of any future en aw.	
Many Professionature	eth	$\frac{\mathcal{S}}{Date}$	19/08
Name (Printed or typed Authorized Representation Enbridge Pipelines (NE	.) tive of	VP Enz Title	princering & Operations

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.